

PLAINTIFF’S PROPOSED DRAFT VERDICT SHEET

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MURASHEA BOVELL,

Plaintiff,

21-CV-01621 (PMH)(AEK)

-v-

CITY OF MOUNT VERNON, New York, GLENN SCOTT, individually and in his official capacity as Police Commissioner of the Mount Vernon Police Department, SHAWN HARRIS, individually and in his official capacity as former Police Commissioner of the Mount Vernon Police Department, RICHTON ZIADIE, individually and in his official capacity as Chief of Mount Vernon Police Department, GREGORY ADDISON, individually and in his official capacity within the Mount Vernon Police Department, MICHAEL KUSHNIR, individually and in his official capacity within the Mount Vernon Police Department, ANGELES CHEUNG, individually and in her official capacity within the Mount Vernon Police Department, GARY ISHKANIAN, individually, and in his official capacity within the Mount Vernon Police Department.

Defendants.

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Joint Proposed Verdict Sheet

Plaintiff, as and for his proposed verdict sheet, set forth as follows:

LIABILITY

1. Did Plaintiff prove by a preponderance of the evidence that one or more of the Defendants discriminated and/or retaliated against Plaintiff because he made reports of corruption, racism, sexism, and/or other improper conduct and/or policies by members of the Mount Vernon Police Department?

Yes _____ No _____

If you answered “No” to Question No. 1 do not answer Question No. 2 and proceed directly to Question No. 3. If you answered “Yes” to Question No. 1 complete Question No. 2.

2. Which of the following Defendants participated in discriminating and/or retaliating against Plaintiff as described in Question No. 1:

Glenn Scott	_____
Shawn Harris	_____
Richton Zaidie	_____
Gregory Addison	_____
Michael Kushnir	_____
Angeles Cheung	_____
Gary Ishkanian	_____

3. Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon knew of its employees' discriminatory and/or retaliatory conduct as described in Question No. 1 and acquiesced in such conduct or failed to take appropriate corrective action, and/or

Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon employed a policy that permitted the Defendants to engage in such discriminating and/or retaliatory conduct as described in Question No. 1?

Yes _____ No _____

4. Did Plaintiff prove by a preponderance of the evidence that one or more of the Defendants discriminated against him because of his race, color, ethnicity, or national origin, and/or

Did Plaintiff prove by a preponderance of the evidence that one or more of the Defendants retaliated against him because he made one or more complaints asserting that he and/or others were discriminated against based on race, color, ethnicity, or national origin?

Yes _____ No _____

If you answered "No" to Question No. 4, do not answer Questions Nos. 5 and 6 and proceed directly to Question No. 7. If you answered "Yes" to Question No. 4 complete Questions Nos. 5 and 6.

5. Indicate which of the following Defendants participated in discriminating and/or retaliating against Plaintiff as described in Question No. 4:

Glenn Scott	_____
Shawn Harris	_____
Richton Zaidie	_____
Gregory Addison	_____
Michael Kushnir	_____
Angeles Cheung	_____
Gary Ishkanian	_____

6. Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon knew of its employees' racially discriminatory and/or retaliatory conduct as described in Question No. 4 and acquiesced in such conduct or failed to take appropriate corrective action, and/or

Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon employed a policy that permitted the Defendants to engage in racially discriminating and/or retaliatory conduct as described in Question No. 4?

Yes _____ No _____

7. Did the Plaintiff prove by a preponderance of the evidence that he was “similarly situated” to one or more other officers in the Mount Vernon Police Department?

Yes _____ No _____

If your answer to Question No. 7 was “No”, do not answer Questions Nos. 8, 9, and 10 and move directly to Question No. 11. If your answer to Question No. 7 was “Yes”, complete Question No. 8.

8. Did the Plaintiff prove by a preponderance of that one or more of the Defendants singled out Plaintiff for adverse selective treatment as compared to the treatment of the similarly situated other officers because of Plaintiff’s race?

Yes _____ No _____

If your answer to Question No. 8 was “No”, do not answer Questions Nos. 9 and 10 and move directly to Question No. 11. If your answer to Question No. 8 was “Yes”, complete Questions Nos. 9 and 10.

9. Identify which of the following Defendants participated in singling out of Plaintiff for adverse selective treatment as compared to the treatment of the “similarly situated” other officers because of Plaintiff’s race, as described in Question No. 8:

Glenn Scott	_____
Shawn Harris	_____
Richton Zaidie	_____
Gregory Addison	_____
Michael Kushnir	_____
Angeles Cheung	_____
Gary Ishkanian	_____

10. Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon knew of its employees’ conduct as described in Question No. 8 and acquiesced in such conduct or failed to take appropriate corrective action,

and/or

Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon employed a policy that permitted the Defendants to single Plaintiff out for adverse selective treatment as compared to the treatment of the similarly situated officers because of Plaintiff’s race, as described in Question No. 8?

Yes _____ No _____

11. Did Plaintiff prove by a preponderance of the evidence that he was subjected to a hostile work environment where he endured severe or pervasive and unwelcome harassment at work?

Yes _____ No _____

If your answer to Question No. 11 was “No”, do not answer Questions Nos. 12 and 13 and move directly to Question No. 14. If your answer to Question No. 11 was “Yes”, complete Questions Nos. 12 and 13.

12. Identify which of the following Defendants participated in creating the hostile work environment that caused the Plaintiff to be subjected to severe or pervasive and unwelcome harassment at work:

Glenn Scott _____

Shawn Harris _____

Richton Zaidie _____

Gregory Addison _____

Michael Kushnir _____

Angeles Cheung _____

Gary Ishkanian _____

13. Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon knew that the hostile work environment described in Question No. 11 existed and acquiesced in such conduct or failed to take appropriate corrective action, causing the Plaintiff to endure severe or pervasive and unwelcome harassment at work by the Defendants,

and/or

Did the Plaintiff prove by a preponderance of the evidence that the City of Mount Vernon employed a policy that permitted the hostile work environment to exist, causing the Plaintiff to endure severe or pervasive and unwelcome harassment at work by the Defendants?

Yes _____ No _____

14. Did the Plaintiff prove by a preponderance of the evidence that one or more of the Defendants negligently inflicted extreme emotional distress upon Plaintiff?

Yes _____ No _____

15. Identify which of the following Defendants negligently inflicted extreme emotional distress upon Plaintiff:

Glenn Scott _____

Shawn Harris _____

Richton Zaidie _____

Gregory Addison _____

Michael Kushnir _____

Angeles Cheung _____

Gary Ishkanian _____

DAMAGES

If you selected “Yes” to any of the Questions above, complete Questions Nos. 16 to 21.

Economic Damages

16. Indicate below the total Economic Damages you award Plaintiff:

Economic Damages: \$ _____

17. Apportion the amount of Economic Damages set forth in Question No. 16 among the following Defendants:

Glenn Scott	\$ _____
Shawn Harris	\$ _____
Richton Zaidie	\$ _____
Gregory Addison	\$ _____
Michael Kushnir	\$ _____
Angeles Cheung	\$ _____
Gary Ishkanian	\$ _____
The City of Mount Vernon	\$ _____

Emotional Damages

18. Indicate below the total in Emotional Damages you award Plaintiff:

Emotional Damages: \$ _____

19. Apportion the amount of Emotional Damages set forth in Question No. 18 among the following Defendants:

Glenn Scott	\$ _____
Shawn Harris	\$ _____
Richton Zaidie	\$ _____
Gregory Addison	\$ _____
Michael Kushnir	\$ _____
Angeles Cheung	\$ _____
Gary Ishkanian	\$ _____
The City of Mount Vernon	\$ _____

Physical Pain and Suffering

20. Indicate below the total in Physical Pain and Suffering you award Plaintiff:

Physical Pain and Suffering: \$ _____

21. Apportion the amount of Physical Pain and Suffering set forth in Question No. 20 among the following Defendants:

Glenn Scott	\$ _____
Shawn Harris	\$ _____
Richton Zaidie	\$ _____
Gregory Addison	\$ _____
Michael Kushnir	\$ _____

Angeles Cheung \$ _____

Gary Ishkanian \$ _____

The City of Mount Vernon \$ _____

PUNITIVE DAMAGES

If you selected “Yes” to Questions Nos. 1, 8, or 11, complete Questions 22 and 23.

22. Set forth the total Punitive damages for that you award Plaintiff:

Punitive Damages \$ _____

23. Apportion the amount of Punitive damages set forth in Question No. 22 among the following Defendants:

Glenn Scott \$ _____

Shawn Harris \$ _____

Richton Zaidie \$ _____

Gregory Addison \$ _____

Michael Kushnir \$ _____

Angeles Cheung \$ _____

Gary Ishkanian \$ _____

Dated: _____

Jury Foreperson

Dated: July 29, 2022
New York, New York

JOSEPH W. MURRAY, ESQ.

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To: All parties of record via ECF